



PATENT
Atty. Docket No. ACS-54804 (23571)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:) Examiner: Not Assigned Yet.
)
Ainsworth, et al.) Group Art Unit: Not Assigned Yet
)
Serial No.: Not Assigned Yet) Application Express Mail Label No.
) EL691914024US - Mailed 12/22/00
Filed: December 22, 2000 (No Filing Date)
Received from PTO)) Express Mail Label No. of this
) Document: EL 737699338 US
For: INTRAVASCULAR STENT)
) June 4, 2001
)

DECLARATION OF JANE E. BARNETT

I, Jane E. Barnett, declare:

I have personal knowledge of the following facts and I am competent to testify about them. I am an employee of applicants' attorneys, Fulwider Patton Lee & Utecht, LLP ("the firm"). I work directly for John S. Nagy, who drafted the application referenced above.

This declaration is submitted as part of the Petition to the Patent Office to obtain a filing date for the above-referenced application. I personally prepared the application for filing, including the Patent Office forms and the Express Mail package in which the application was mailed. The package was properly addressed with sufficient postage and included the patent application of twenty-six (26) pages, seven (7) sheets of drawings, a Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i), PTO Form 1082, and a return postcard.

After preparing the package, I presented it to John S. Nagy. Mr. Nagy reviewed the package, signed the forms, and returned the package to me.

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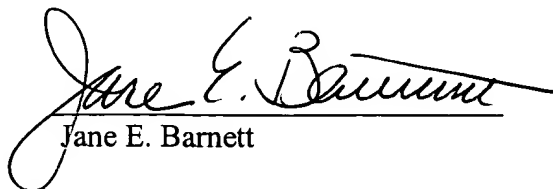
I placed the package in a basket adjacent to my desk. According to established firm procedures, this basket is specifically used for outgoing mail and its contents are picked up periodically during the day. Express Mail packages bound for the Patent Office are collected from the baskets, placed in a special location in the firm's mail room, and delivered to the United States Postal Service before the 5:00 p.m. mailing deadline. This procedure was followed on December 22, 2000, as evidenced by the time and date of the Express Mail label. Additional evidence of mailing includes our firm log, which is kept to document Express Mail mailings. Attached is a copy of the log page that documents the mailing of package no. EL 691914024US by Javier Andrade (initials "JA" on the log), who left the firm's employ several weeks ago. The initials "JSN/JB" next to the mailing label number identify Mr. Nagy and myself as those who prepared the application and package.

Prior to mailing the package with the application, I made copies of the application, including all of the contents of the Express Mail package. All of these items were placed in a folder which was created and is maintained by me. The copies attached to this Petition come from that folder.

Approximately three months after mailing, we had not received the return postcard I had included in the application. I called the United States Postal Service to specifically check on the package, which had an Express Mail No. of EL691914024US. I was informed by the Postal Service that the package had been delivered to the Patent Office at 7:30 a.m. on December 26, 2000, the first working day after the Christmas holiday.

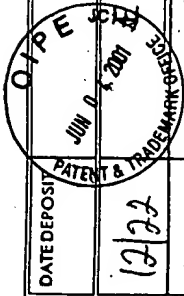
I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Dated: 6-4-01


Jane E. Barnett

FULWIDER PATTON LEE & UTECHT, LLP
6060 Center Drive, Tenth Floor
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DATE DEPOSIT	EXPRESS MAIL NO.	POSTAGE AMT.	CLIENT I. D.	MATTER NO.	POST OFFICE	TIME OF DEPOSIT	TIME OF LOG ENTRY	DEPOSITOR'S INITIALS
12/22	EL691914024US JGN/jb		ACS	54804	WC	4:55	5:00	W
	EL691914015US JN/jb		ACS	54806		4:53		
	EL590184493US DGR/RW		MICRU	56359		4:51		
	EL589904737US DSS/SP		HRT	92703		4:49		
	EL691920529US RGR/NW		ACS	55281		4:47		A
	EL590184493US DGR/RW		TMEK	4852	WC	4:52	5:30	A
	EL590184493US DGR/RW		ACS	56333		4:54	5:30	L
	EL691919358US PMF/gb		ACS	53510		4:56	5:30	A
	EL573741695US SWS/ah		CWSTB	55808		4:55	5:30	L
	EL372192025US SW/ah		CWSTB	51015		4:53	5:30	A
	EL589904754US DSS/SP		HRT	47744		16:46	5:30	L
	EL691914130US JSV/jb		ACS	42616		16:45	5:30	
12/28/00	EL590183855US THM/ate		ACS	54588		16:44		RECEIVED
12/28/00	EL691913678US MDC/gm		REB	56240		16:48		JUN 11 2001
12/28/00	EL590183878US THM/ate		ACS	55966		16:43		OFFICE OF PETITIONS

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JOHN S. NAGY, Esq.

PHONE 210.624.5555

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